

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 20, 2001

D038484 In re Silas on Habeas Corpus

The petition is denied.

**D038334 National Steel & Shipbuilding Company v. Workers' Compensation Appeals
Board/Quan**

The petition is denied.

D034779 People v. Garcia

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

D034809 Opdycke v. Shumate et al.

The petition for rehearing is denied.

D036203 People v. Baker

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 21, 2001

D036616 Miranda v. City of San Diego

Upon written stipulation filed by the parties to the appeal, the appeal is DISMISSED and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)). Each party to bear own costs on appeal.

D036696 People v. Clakre

The opinion filed August 10, 2001, is modified to delete footnote 4 on page 5. There is no change in the judgment.

D038504 Pospisil v. Superior Court of San Diego County/People

The petition is denied.

D034897 San Diego Unified Port District v. Pacific Indemnity Company

The judgment is affirmed. Pacific Indemnity shall recover its costs on appeal. Benke, Acting P.J.
We Concur: Huffman, J., Haller, J.

D038539 In re Geils on Habeas Corpus

The petition is denied.

D035906 Halstead v. Klepner

The judgment (order granting Klepner's motion for terminating sanctions) is affirmed.
Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

D038497 Bennett et al. v. Superior Court of San Diego County/Retana et al.

The petition is denied.

D038537 Moore v. Superior Court of San Diego County/San Diego Electrical Training Trust et al.

The petition is denied.

D038501 Santaluz, LLC v. Superior Court of San Diego County/County of San Diego et al.

The petition is denied.

D037823 Martinez v. Kreusser et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).
The appeal is dismissed.

D037816 People v. Tyler

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 22, 2001

D038458 Nielsen Construction Company et al. v. American Tile and Brick Veneer, Inc.
The appeal is dismissed.

D037466 In re Regina T., a Juvenile
The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Haller, J.

D036902 People v. Haller
The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D035892 People v. Calahan
The judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Huffman, J.

D035952 Theberge et al. v. The City of Coronado et al.
D037156 Theberge et al. v. The City of Coronado et al./California Coastal Commission
The above-captioned appeals are consolidated for oral argument and disposition.

D035952 Theberge et al. v. The City of Coronado et al.
D037156 Theberge et al. v. The City of Coronado et al./California Coastal Commission
(consolidated) The judgments are affirmed. McDonald, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D037039 People v. Burton
The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D038087 In re Pedrazzi on Habeas Corpus
The petition is denied.

D035984 In re Jimmy R., a Juvenile
The juvenile court order declaring Jimmy a continuing ward based on a true finding that he committed robbery is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

D037656 In re Parian P. et al., Juveniles
The orders are affirmed. McIntyre, J.; We Concur: Kremer, P.J., O'Rourke, J.

D037831 In re Daniel H., a Juvenile
The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Haller, J.

D037114 In re Jordan W., a Juvenile
The order is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D036808 Frank, Jr. v. Home Depot et al.
Judgment affirmed. Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 22, 2001 (Continued)

D037545 Sunset Moving & Storage Corporation v. Amato/Far West Transportation Services, Inc., et al.

The judgment upon nonsuit on Sunset's complaint is reversed, with the exception of Sunset's cause of action against Amato for usurpation of corporate opportunities. The court's order excluding the I.C. Agreement from evidence is reversed. The judgment upon nonsuit as to Amato's cross-complaint is reversed in its entirety. This matter is remanded for a new trial on Sunset's complaint and Amato's cross-complaint. The post-trial orders granting attorney fees to Amato and costs to Amato, Bekins and Far West are also reversed. The parties shall bear their own costs on appeal. Nares, J.;
We Concur: Benke, Acting P.J., Huffman, J.

D034085 People v. Berumen

Affirmed. Haller, Acting P.J.; I Concur: O'Rourke, J., I Concur (by opinion): McDonald, J.

D038564 Espinosa et al. v. Superior Court of San Diego County/Sellers

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 23, 2001

D034614 Wilson, a Minor, etc. v. County of San Diego et al.

The opinion filed July 24, 2001, is ordered certified for publication.

D036211 People v. McGuire

Judgment affirmed. Haller, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D035849 People v. Dorsey

Affirmed. Haller, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D038184 A-1 Top World Products v. Vo

Judgment affirmed. Vo to bear costs on appeal. Haller, J.; We Concur: Kremer, P.J., Benke, J.

D037608 In re Michael B. et al., Juveniles

The judgments terminating the parental rights of Sandee and William are reversed. The matters are remanded to the juvenile court for a new section 366.26 hearing to consider whether guardianship or long-term foster care is the most appropriate permanent plan for Michael and Katelyn. Benke, J.; We Concur: Kremer, P.J.. Justice Huffman to sign opinion when he returns from official business trip.

D035066 People v. Brown

The petition for rehearing is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

August 24, 2001

D038431 Hollis Eden Pharmaceuticals, Inc. v. Casale et al.

Upon written request filed by Christina Casale, the appeal is dismissed.

D038570 In re Chanelle S. et al., Juveniles

The appeal is dismissed as the notice of appeal is untimely filed.

D036393 People v. Duckett

The petition for rehearing is denied.

D038538 In re Evans on Habeas Corpus

The petition is denied.

D035754 People v. Clifton

The judgment is affirmed. O'Rourke, J.; We Concur: Haller, Acting P.J., McDonald, J.

D035649 Johnson et al. v. Farmers Insurance Exchange

The order denying plaintiff's motion for class certification is reversed. The court is directed to issue an order granting certification of the following class: All California residents insured under a Farmers' California private passenger vehicle policy who, within the class period, received a first party total loss settlement or settlement offer that was less than the CCC base value because of the deduction of one or more condition adjustments. The class is limited to those claimants whose overall vehicle condition, as shown in CCC's claims filed database, was rated as at least average and up to, but not including, ready. Excluded from the class are claimants who obtained payment by negotiation, arbitration or litigation in the amount of the CCC base value or higher. The court is further directed to grant plaintiffs leave to file an amended complaint setting forth the class definition we have approved and alleging liability and damages in accordance with that definition. Plaintiffs motion to strike Farmers's objections to evidence is denied. Plaintiffs are awarded their costs on appeal. McDonald, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D038584 Lewis v. Superior Court of San Diego County/People

All proceedings in the trial court are stayed pending further order of the court. The People are directed to file an informal response to the petition on or before August 31, 2001.